IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 30422 of 2007(V)

PETITIONER:

JOHNSON, S/O.LONAPPAN, KANNUMPUZHA PUZHAKKAL HOUSE, MARATHAKKARA PO., THRISSUR DIST.

BY ADV. SRI.WILSON URMESE
SRI.M.C.ANTONY

RESPONDENT:

PUTHUR GRAMA PANCHAYAT, REP. BY ITS SECRETARY, PUTHUR PO., THRISSUR DIST.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

.....

W.P.(C)No.30422 OF 2007

.....

DATED THIS THE 15TH OCTOBER, 2007

J U D G M E N T

Ext.P2 order is obviously appealable under the statute. I dispose of the Writ Petition relegating the petitioner to the statutory remedy by way of appeal. Considering the above direction, Ext.P2 will be kept in abeyance by the Panchayat for a period of six weeks from today. If the petitioner files any interlocutory application in the appeal to be filed by him before the Tribunal seeking permission to complete the constructions at his risk and subject to the outcome of the appeal, the Tribunal will consider that application with as much sympathy as possible, considering the value of the construction materials which, the petitioner says, will be wasted if construction is not permitted.

2. Mr.Wilson Urmese, counsel for the petitioner now submits that in view of the above directions, the Panchayat may not pass any orders on the building permit application submitted by the petitioner which is presently pending before the Panchayat. It is clarified that the above-given directions will not stand in the way of the Panchayat passing appropriate orders on the building permit application. If the petitioner is eligible for permit, the Panchayat shall consider his application and grant permit taking into account any document which

may be produced by the petitioner to the effect that the National Highway Authorities are not having any objection in issuing permit.

(PIUS C.KURIAKOSE, JUDGE)

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